

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

ANTHONY PROVANZANO,

Plaintiff,

v.

MTD PRODUCTS COMPANY, and
LOWE'S HOME CENTERS, LLC,

Defendants

Civil Action No. 15-cv-11720-NMG

ORDER ON PLAINTIFF'S MOTION TO COMPEL (#27)

November 20, 2015

CABELL, U.S.M.J.

On November 20, 2015, the Court convened a hearing on plaintiff Anthony Provanzano's Motion to Compel Defendant MTD Products d/b/a Troy Bilt ("MTD") to Answer Interrogatories and Respond to Requests for Documents. For the reasons stated in court, the Court orders as follows:

1. The plaintiff's motion is GRANTED with respect to interrogatories 3 and 4.
2. The plaintiff's motion is DENIED with respect to interrogatory 15.
3. The plaintiff's motion is GRANTED in part with respect to interrogatory 6 and request for production nos. 6 and 16. MTD is ordered to produce documents and information regarding all incidents from October 2007 through October 2014 where a person claimed that inadvertent downward pressure on a mower seat resulted in a blade contact injury.

4. The plaintiff's motion is GRANTED in part with respect to request for production no. 43. MTD is ordered to produce: a) a design sketch for the mower operator presence control ("OPC") design in use in those mowers where the OPC is located in the seat cushion; and b) one user's manual for each mower that MTD manufactured between October 2009 and October 2014 where the OPC is located in the seat cushion. In the event that MTD determines that complying with this portion of the order presents an undue burden, MTD shall first, confer with the plaintiff in an attempt to narrow the request but, if unsuccessful, raise the issue with the Court as soon as possible.

5. The plaintiff's motion is GRANTED in part with respect to request for production nos. 51 and 52. MTD is ordered to produce documents sufficient to show the stop times, both when triggered by the OPC and when triggered by the PTO, for all mowers that MTD manufactured between October 2007 and October 2014 that have a single, thirty-inch blade and a stop time of four seconds or less. In the event that MTD determines that complying with this portion of the order presents an undue burden, MTD shall first, confer with the plaintiff in an attempt to narrow the request but, if unsuccessful, raise the issue with the Court as soon as possible.

MTD shall serve its interrogatory responses and produce all responsive documents within thirty (30) days of the date of this order.

/s/ Donald L. Cabell
DONALD L. CABELL, U.S.M.J.

DATED: November 20, 2015